

OPINION
56-98

August 25, 1956 (OPINION)

ELECTIONS

RE: Absent Voters' Ballots - Sent Upon Application

We are in receipt of your letter of August 22, 1956, in which you inquire whether or not wives and members of service personnel are required to file an application for an absent voter's ballot or whether they fall under the provisions of section 16-1806 of the 1953 Supplement to the North Dakota Revised Code of 1943.

The last paragraph of that section provides:

Provided that qualified electors in the military or naval service or the merchant marines of the United States of America shall not be required to file any formal application for an absent ballot but each county auditor of each county in the state of North Dakota shall upon receiving any information whether in writing or otherwise to the mailing address of any qualified elector in the military or naval service or the merchant marines of the United States immediately upon receiving the ballots from the printers, mail to such electors a ballot together with proper return envelope and instructions for voting."

It is clear that the provisions cited applies only to members of the services and does not include their families.

Therefore, a county auditor need send them a ballot only after the application has been received as provided in section 16-1809 of the North Dakota Revised Code of 1943.

LESLIE R. BURGUM

Attorney General